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December 3, 2012

Magistrate Judge Arlene R. Lindsay  
Long Island Federal Courthouse  
814 Federal Plaza  
Central Islip, New York 11722-4451

**Re: *Laura Catalano v. Phillips & Cohen Associates, Ltd.*  
USDC ED NY, Case No. 12-cv-03438**

Dear Judge Lindsay:

I am writing pursuant to FED. R. CIV. P. 37(a), Local Rule 37.3(a), and your honor's individual practice rules ¶ 2(A)(1), to request an order compelling Plaintiff to respond to Defendant's interrogatories and requests for production of documents by a date certain, as well as an order deeming admitted, Defendant's requests for admissions pursuant to FED. R. CIV. P. 36(a)(3).

Pursuant to the Court's scheduling order dated September 27, 2012, Defendant served its combined first set of interrogatories, requests for production of documents and requests for admissions by email on October 15 and U.S. mail on October 16, 2012. See Exhibits 1 (email) & 2 (Defendant's combined discovery).

Plaintiff's responses were due on November 19, 2012. After receiving no response, the undersigned corresponded with Plaintiff's counsel on November 26, requesting an update on the status of the discovery responses. Exhibit 3. On November 27, the undersigned called Mr. Goode's offices and left a message concerning the same, and requested a return call. After receiving no response, the undersigned called and spoke with Mr. Rephen on November 29, and explained all the foregoing to him, advising that Mr. Goode had not responded and that Plaintiff's discovery responses were overdue. Mr. Rephen advised he would get in touch with Mr. Goode forthwith.

To date, neither Mr. Goode nor Mr. Rephen has provided a response to Defendant's combined discovery requests, asserted any objection, or provided an explanation as to why the discovery responses have not been provided to date.

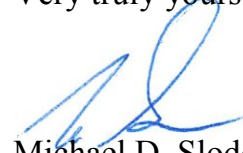
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As such, Defendant respectfully requests an order compelling Plaintiff to respond to Defendant's interrogatories and requests for production of documents by a date certain, as well as an order deeming admitted, Defendant's requests for admissions pursuant to FED. R. CIV. P. 36(a)(3).

Pursuant to FED. R. CIV. P. 37(a)(1), the undersigned certifies that as outlined herein, the movant has in good faith conferred and attempted to confer with Plaintiff's counsel in an effort to obtain Plaintiff's responses without a court order.

Further, Defendant prays such order provide notice to Plaintiff advising Plaintiff that should she fail to provide her interrogatory responses and document production responses by the date established in the order on this motion, that this action may be dismissed, pursuant to FED. R. CIV. P. 41(b).

Very truly yours,



Michael D. Slodov

MDS:  
Enclosures